IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN MILLER, : CIVIL ACTION

Petitioner,

v. : NO. 12-0742

THE DISTRICT ATTORNEY FOR THE COUNTY OF PHILADELPHIA, et al.,

Respondents.

ORDER

AND NOW, this 26th day of September, 2016, upon consideration of the Motion for Extension of Time to File Response (Dkt. No. 45), filed on September 7, 2016, and Petitioner's opposition to the Motion (Dkt. No. 46), filed this date,

IT IS ORDERED that the Motion is GRANTED IN PART and DENIED IN PART and the Response shall be filed on or before November 14, 2016.

IT IS FURTHER ORDERED that no further extensions will be granted absent extraordinary circumstances.¹

BY THE COURT:

/s/ Henry S. Perkin
HENRY S. PERKIN
UNITED STATES MAGISTRATE JUDGE

Respondents seek a second three-month extension, until December 12, 2016, to respond to the Second Amended Petition which was filed on March 23, 2016, based upon the assigned District Attorney's caseload. Petitioner's counsel opposes this request and asks that this Court order a response to be filed by October 31, 2016, detailing information from other pending cases cited by Respondents' counsel in which he has been granted numerous extension requests due to his caseload.

Petitioner's counsel fails to note in the opposition that four of the five cases cited by Respondents' counsel are death penalty qualified cases, which typically are considerably more complex than non-death penalty qualified cases. The Court also notes that Petitioner's counsel's opposition should have been filed fourteen days after the Motion was filed, or on or before September 21, 2016, but was not filed until September 26, 2016. *See* Local R. Civ. P. 7.1(c).